

2021-24531 / Court: 215

CAUSE NO.

FERNANDA BALLI § IN THE DISTRICT COURT
Plaintiff §

VS. § JUDICIAL DISTRICT

JAMES BIBBEN, III, XLS, LLC,
ROCK BOTTOM LOGISTICS AND
FAST TRAC TRANSPORTATION
Defendants

HARRIS COUNTY, TEXAS



PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, **FERNANDA BALLI**, complaining of JAMES BIBBEN, III, XLS, LLC
ROCK BOTTOM LOGISTICS, and FAST TRAC TRANSPORTATION, and for cause of action
would show:

I. DISCOVERY

This is a level III discovery case as defined by the Texas Rules of Civil Procedure.

II. PARTIES

Plaintiff is a resident of Texas.

Defendant, James Bibben, III is an individual residing in Texas, and may be served with citation at 5831 Southtown St., Houston, Texas 77033 or wherever found.

Defendant, XLS, LLC, is a Texas Corporation that may be served through its agent for service of process: Becky Romero, 16220 Air Center Blvd., Houston, Texas 77032 or wherever found.

Defendant, Rock Bottom Logistics is a Texas Corporation that may be served through its

agent for service of process: Johysa C. Menefe, 2616 S. Loop W. Suite 120, Houston, Texas 77054 or wherever found.

Defendant, Fast Trac Transportation, LLC is a Texas Corporation that may be served through its agent for service of process: Becky Romero, 16220 Air Center Blvd., Houston, Texas 77032 or wherever found.

III. JURISDICTION & VENUE

The subject matter in controversy is within the jurisdictional limits of this court. Venue is proper in this county because at least one of the defendants has its residence and/or principal place of business in Harris County, Texas.

IV. FACTS

On or about May 16, 2020, Plaintiff Fernanda Balli was traveling on I-10 West in Louisiana when the Defendant James Bibben, III rear-ended her vehicle. The crash caused Plaintiff to suffer serious injuries to several areas of his body, including, but not limited to his neck, back.

V. NEGLIGENCE

On the occasion in question, Defendant James Bibben, III operated his vehicle in a negligent manner, in that he violated the duty to which he owed the Plaintiff to exercise ordinary care in the operation of the motor vehicle in one or more of the following:

1. Driving without paying enough attention.
2. Failing to control his speed.
3. Failing to steer the vehicle to avoid collision with Plaintiff.
4. Failing to timely apply the brakes to avoid collision with Plaintiff.
5. Failing to allow enough space between vehicles.

6. Failing to keep his eyes on the road at all times.
7. Unsafely Changing Lanes.
7. In any combination of two or more of the above.

Additionally, Defendants XLS, LLC, Rock Bottom Logistics, and Fast Trac Transportation, LLC (hereinafter “Truck Owner Defendants”) are liable under respondeat superior for the actions of their driver, James Bibben, III , who was acting in the course and scope of his employment and in furtherance of the Truck Owner Defendants business interests at the time of the accident. Additionally, and without waiving the foregoing, the “Truck Owner Defendants” were further negligent in hiring and entrusting the vehicle to James Bibben, III , when it knew, or should have known, he was improperly trained to operate the subject vehicle.

Each of these acts and omissions, singularly or in a combination with others, constitutes negligence and negligence per se, which proximately caused the occurrence made the basis of this action for the injuries and damages to Plaintiff.

VI. REQUEST FOR INITIAL DISCLOSURE

Under Texas Rule of Civil Procedure 194, plaintiff requests that all defendants disclose, within 50 days of the service of this request, the information or material described in Rule 194.2.

XII. DAMAGES

Plaintiff Fernanda Ballo has suffered and will continue to suffer the following damages:

1. Pain and anguish in the past;
2. Pain and anguish in the future;
3. Medical expenses in the past;

4. Medical expenses in the future;
5. Loss of earning capacity in the past;
6. Loss of earning capacity in the future;
7. Physical impairment in the past; and
8. Physical impairment in the future.

In accordance with Rule 47, as amended, and with the information currently available, Plaintiff Fernanda Balli seeks monetary relief over one-million dollars.

WHEREFORE, PREMISES CONSIDERED, Plaintiff asks that the Defendants be cited to appear and answer herein, and that upon a final trial of this cause, judgment be entered in favor of the Plaintiff, pre-judgment and post-judgment interest, costs of court, and such other relief to which the Plaintiff may be justly entitled.

PLAINTIFF HEREBY REQUESTS A JURY TRIAL AND TENDERS THE APPROPRIATE FEE.

Respectfully submitted,

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By:



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